



SO ORDERED.

SIGNED this 03 day of September, 2009.

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.**

**Marcia Phillips Parsons
UNITED STATES BANKRUPTCY JUDGE**

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE**

IN RE:

APPALACHIAN OIL COMPANY, INC.

Debtor

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**CASE NO. 2:09-bk-50259
Chapter 11**

AGREED ORDER

Upon agreement of the Debtor Appalachian Oil Company, Inc., YA Landholdings, LLC and YA Landholdings 7, LLC, **IT IS HEREBY ORDERED:**

1. That the cure amounts for the eight (8) lease agreements between Appalachian Oil Company, Inc. and YA Landholdings, LLC which the Debtor seeks to assume and then assign to Florida Sunshine Investments I, Inc. ("Florida Sunshine") [APPCO Store Nos. 42, 57, 69, 70, 73, 75, 79, 81] pursuant to the Debtor's Motion to: (1) Sell Property and Assume and Assign Executory Contracts and Unexpired Leases Free and Clear of Liens and Encumbrances; (2) Amend Sale Procedures; and (3) Authorize Debtor to Enter Into Management Agreement

(the "Motion") [DOCUMENT NO. 635] for the months of December 2008, January 2009 and the stub period of February 1, 2009 through February 8, 2009 is \$211,873.00;

2. That the amount due YA Landholdings 7, LLC for past-through rents collected by the Debtor for the period December, 2008 through August, 2009 is \$20,418.00;

3. That the rent due YA Landholdings, LLC for the month of May on the four leased sites rejected by the Debtor [APPCO Store Nos. 41, 43, 45 and 78] is \$14,376.00;

4. That the Debtor agrees to pay or cause to be paid YA Landholdings, LLC the sums of (a) \$5,000.00 for concrete work at APPCO Store No. 43, and (b) \$2,050.00 for inspection services related to the Debtor's reinstallation of HVAC units at the YA Landholdings, LLC's rejected sites;

5. That the foregoing sums shall be paid to YA Landholdings, LLC at the closing of the sale to Florida Sunshine;

6. That Florida Sunshine has demonstrated adequate assurance of future performance under the leases that the Debtor is assuming and then assigning to Florida Sunshine as required by 11 U.S.C. § 365(f)(2)(B); and

7. That upon entry of this Order, (a) YA Landholdings, LLC's and YA Landholdings 7, LLC Motion for Relief From the Automatic Stay [DOCUMENT NO. 150]; Motion and Application of YA Landholdings, LLC and YA Landholdings 7, LLC to: (i) Compel Payment of Lease Obligations, (ii) Compel Surrender of the Premises and Deem Lease Rejected in the Event Debtor Fails to Pay Such Amounts, and (iii) Require Abandonment of the Premises; and

(c) YA Landholdings, LLC and YA Landholdings 7, LLC's Response to Debtor's Motion to Reject Leases [DOCUMENT NO. 369] shall each be deemed withdrawn in all respects.

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APPROVED FOR ENTRY:

s/ Mark S. Dessauer

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